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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 RUSSELL K. HILL,

10 Plaintiff,

11 v.

12 UNITED STATES,

13 Defendant.

Case No. 2:15-cv-01122-RFB-NJK

**ORDER ADOPTING REPORT &
RECOMMENDATION OF
MAGISTRATE JUDGE NANCY KOPPE**

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16 **I. INTRODUCTION**

17 Before the Court for consideration is the Report and Recommendation of the Honorable
18 Nancy Koppe, United States Magistrate Judge, entered August 31, 2015 (ECF No. 6), that the
19 action be dismissed without prejudice. Plaintiff would then have the ability to either pay the
20 appropriate filing fee in full, or submit a completed application to proceed *in forma pauperis*.
21 The Court construes Plaintiff Russell Hill's "Motion to Strike Report and Recommendation"
22 (ECF No. 8) as an objection to the Report and Recommendation. The Court has conducted a *de*
23 *novo* review of the record and, as set forth below, adopts the Report and Recommendation and
24 dismisses the Plaintiff's action.

25 A district court "may accept, reject, or modify, in whole or in part, the findings or
26 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). A party may file specific
27 written objections to the findings and recommendations of a magistrate judge. 28 U.S.C.
28 § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is

1 required to “make a de novo determination of those portions of the report or specified proposed
2 findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local
3 Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct
4 “any review,” *de novo* or otherwise, of the report and recommendations of a magistrate judge.
5 Thomas v. Arn, 474 U.S. 140, 149 (1985). Here, the Plaintiff objects to the Report and
6 Recommendation which recommended rejecting the Judge Koppe’s Report and
7 Recommendation. Accordingly, the Court will conduct a *de novo* review.

8 The Court has conducted a *de novo* review of the filings in this case and adopts Judge
9 Koppe’s Report and Recommendation in full. Throughout this action, Plaintiff has filed three
10 applications to proceed *in forma pauperis*, all of which were incomplete (ECF Nos. 1, 3, and 5).
11 The Court denied the first two applications, stating the bases for its denial, and explaining to
12 Plaintiff what was required in order for the Court to grant his application. ECF Nos. 2, 4.
13 Namely, the Court found that Plaintiff failed to submit an inmate account statement and properly
14 executed financial certificate. Id. The Court granted Plaintiff one final opportunity to cure these
15 deficiencies and allowed him until August 27, 2015 to submit a complete application. ECF No.
16 4. In this third application, submitted August 24, 2015 (ECF No. 5), the Plaintiff submitted a
17 financial certificate, but failed to submit an inmate account statement.

18 In his objection to Judge Koppe’s Report & Recommendation, Plaintiff alleges that
19 “either the Clerk of the Court...or the Magistrate Judge...are responsible or culpable for
20 inducing fraud upon the Court and obstruction of justice.” ECF No. 8 at 1. The Court does not
21 find this argument responsive to the Judge Koppe’s Report & Recommendation, nor does the
22 Court find any basis for this allegation.

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1 Therefore, the Court adopts Judge Koppe's recommendation to dismiss Plaintiff's action
2 without prejudice.

3 **IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 6) is
4 ADOPTED in full.

5 **IT IS FURTHER ORDERED** that the action is dismissed without prejudice. Plaintiff is
6 instructed that he may commence a new action in which he either pays the appropriate filing fee
7 in full or submits a completed application to proceed *in forma pauperis*

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9 DATED this 6th day of January, 2016.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE